

EASTERN DIVISION

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Judge Leinenweber

Magistrate Judge Keys

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TO ANSWER OR OTHERWISE PLEAD

In support of said Motion, Schwartz Beer states:

1. This action was initially filed on April 9, 2008. Service of the Summons and Complaint was performed on or about April 14, 2008. Under the present schedule, Schwartz Beer's responsive pleading is currently due on May 5, 2008.

2. Plaintiffs' Complaint purports to seek certain employment records relating to the administration of a pension and welfare fund maintained for covered union employees.

3. Counsel for Schwartz Beer has been recently retained and requires an additional period of time in which to review materials relevant to this matter in order to evaluate Plaintiffs' claims and file a good faith responsive pleading.

4. Prior to filing this Agreed Motion, counsel for Schwartz Beer contacted counsel for Plaintiffs, who advised that he has no objection to Schwartz Beer's request for a fourteen (14) day extension of time in which to file its responsive pleading.

5. Accordingly, Schwartz Beer respectfully requests through May 19, 2008 in which to answer or otherwise plead to Plaintiffs' Complaint.

6. This Agreed Motion is not brought to unnecessarily delay these proceedings or to prejudice any parties to this litigation.

WHEREFORE, Defendant SCHWARTZ BEER WHOLESALERS, INC. respectfully requests that this Court enter an order extending the time within which it must answer or otherwise plead to Plaintiffs' Complaint until May 19, 2008.

Respectfully submitted,

CHITTENDEN, MURDAY & NOVOTNY LLC

By: /s/ Michael B. Galibois
One of the Attorneys for Defendant
SCHWARTZ BEER WHOLESALERS, INC.

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